

# News of the Intermountain Region

## SUPREME COURT ASKED TO PASS ON QUESTION

### Action Is Brought to Determine Point Raised Upon Informations.

Special to The Tribune.

OGDEN, April 24.—The latest echo of the cases of robbery which have been several weeks ago against B. E. Bramlett, B. G. McGuire and John K. Garrett, proprietors of the Apex saloon, is an action which has been started in the supreme court of Utah by District Attorney N. J. Harris against the district court of Weber county and Judge J. A. Howell of that court, in which the district attorney seeks to obtain an order from the higher tribunal to reinstate the cases on the criminal docket of that court.

It will be recalled that the defendants were given a preliminary hearing before Judge Murphy of the police court who ordered them held for trial in the district court. The district attorney afterward filed the formal information charging the defendants with the robbery of an old man named Goff at the Apex saloon December 11, 1908. From the information the usual statement of the time and place of the commission of the alleged crime was inadvertently omitted by the district attorney. Subsequently the district attorney discovered the omission and filed an amended information charging the same offense and including the necessary statements of facts omitted from the first information.

Recently, on motion of Judge W. L. Maginnis, presiding, the defendants' amended information was stricken from the records of the court and the defendants discharged. The district attorney will take the position that it was the duty of District Judge Howell to proceed with the trial of the case on the amended information, which the court declined to do, claiming that the amended information could not be legally filed, nor the defendants legally required to plead until another preliminary hearing had been held before Judge Murphy of the police court.

The disposition of these cases will be watched with considerable interest by many in this city. When the appeal is heard in the supreme court, the appealers, Halverson & Maginnis, will appear on behalf of the district court and Judge Howell, while the interests of the three defendants will be looked after by W. L. Maginnis.

### MRS. CHIPP'S REMAINS ARE TAKEN TO OGDEN

Special to The Tribune.

OGDEN, April 24.—The remains of Mrs. John Chipp, who died at the home of her daughter, Mrs. J. H. Meyers, at Evanston, Wyo., yesterday afternoon, were brought to this city today and taken in charge by Larkin & Sons, undertakers. Mrs. Chipp was sixty-eight years of age and was well known in Ogden. Her husband, John Chipp, died in Ogden March 31 of this year. Nine sons and daughters survive Mrs. Chipp.

Funeral services will be held at the Third ward meeting house Sunday afternoon at 4 o'clock. Between the hours of 10 o'clock Sunday morning and 3 in the afternoon, friends of the deceased may view the remains at the undertaking parlors.

### TECHNICALITY OF LAW GIVES BARNES FREEDOM

Special to The Tribune.

OGDEN, April 24.—Walter Barnes, against whom a charge of refusing to provide for a minor child has been on trial in the district court for several days, was this morning given his freedom on order of Judge Howell, and the charges dismissed.

Barnes owes his freedom to a technicality of the law. His attorneys, Halverson & Maginnis, argued that as he is not a resident of Utah and was not at the time the alleged non-support of his child occurred, the statute making such an offense a felony would not apply, as the courts of this state have no jurisdiction over a nonresident. The arguments were heard by the court yesterday, and this morning he ordered the prisoner released on these grounds.

### FORMER OGDEN MAN FILES LARGE SUIT

Special to The Tribune.

OGDEN, April 24.—An action involving mining property valued at a million dollars has been instituted in the United States circuit court at Los Angeles, Cal., on behalf of William B. Gray, a former resident of Ogden, by Attorney A. G. Horn. Copies of the complaint were filed to the clerk of the federal court in California.

The action is brought against the Skidoo Mining company and has for its purpose the election of the defendants from ten mining claims located in the election proceeding, Gray is seeking \$104,000 damages for the unlawful extraction of valuable ore from the claims by E. A. (Bob) Montgomery and his associates in the Skidoo Mining company.

In Ogden Churches.

Special to The Tribune.

OGDEN, April 24.—The First Church of Christ, Scientist, holds services at 11 a. m. in the Masonic temple every Sunday. Subject, "The Power of Prayer." Sunday school at 9:45 a. m. Wednesday evening testimonial meetings are held at 8 p. m. and the public is cordially invited to attend all services.

German Evangelical St. Paul's church at Lutheran church, Twenty-third street and Jefferson avenue. G. Hehl, pastor. Sabbath school at 2 p. m. every Sunday. Preaching services the second and fourth Sundays of each month. The next service will be held tomorrow, April 25, at 3 p. m. All Germans are cordially invited.

Desertion Is Charged.

Special to The Tribune.

OGDEN, April 24.—Alleging that her husband, William A. Wright, willfully deserted her on February 13, 1908, Mrs. Addie E. Wright has begun an action for divorce. She asks the court to allow her \$50 attorney fees and \$15 permanent alimony. The Wrights were married in Kansas City, Mo., July 10, 1899, and have no children.

## OGDEN DEPARTMENT

PERMANENT OFFICE, 2438 1/2 WASHINGTON AVENUE. TELEPHONE 111; OFFICE HOURS 8 A. M. TO 10:30 A. M., 6 P. M. TO 8 P. M.

### TERRIBLE INJURIES ARE RESULT OF EXPLOSION

Special to The Tribune.

OGDEN, April 24.—Both eyes blown out, left jaw bone completely destroyed, left jaw bone broken, all teeth blown out, legs and arms bruised and dislocated and slight internal injuries, is the sum total of the injuries received by James Gee in an explosion while at work for the Utah Construction company near Thafter, Nev., according to the district court this morning.

Gee is seeking \$25,000 damages from the construction company. On December 10, 1908, while employed as a common laborer, he declares that he was instructed by Mike O'Donnell, his foreman, to go to a certain place on the work which had just been dynamited. One of the holes which had been drilled and loaded with dynamite exploded, blasting purposes for some reason did not explode with the other charges, and when Gee got within a few feet the charge was fired, with the result as given.

Gee says that he is permanently injured and demands that the company be required to pay him the amount asked for as the result of alleged carelessness.

Articles Are Filed.

Special to The Tribune.

OGDEN, April 24.—With a capital stock of \$2000 and shares at \$1 each, the Star Livestock and Poultry company today filed articles of incorporation charging the same offense and including the necessary statements of facts omitted from the first information.

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Former Ogden man files large suit.

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### MRS. M. E. BALLANTYNE IS CALLED BY DEATH

Special to The Tribune.

OGDEN, April 24.—After a short illness from pneumonia, death claimed Mrs. Mahala Elizabeth Ballantyne of Riverdale early this morning.

Mrs. Ballantyne left her husband, John T. Ballantyne, and nine children, including an infant only ten days old, surviving her. Her parents, David and Rachel Lovelace Wilson of Payson, also survive her, and are expected in Ogden this evening to assist in the arrangements for the funeral.

Mrs. Ballantyne was born at Payson, June 30, 1865. The death of Mrs. Ballantyne was the third to occur at the family home in the past few months, two sons having preceded her.

Stork Hovers Over Train.

Special to The Tribune.

OGDEN, April 24.—The stork hovered over Southern Pacific passenger train No. 4 from the west yesterday afternoon, and shortly before the arrival of the train in this city presented to a mother a three-pound baby boy. A physician and nurse who happened to be passengers on the same train cared for the mother and infant until Ogden was reached, when they were sent to the Ogden general hospital. Both are reported to be doing well.

Divorce and Alimony.

Special to The Tribune.

OGDEN, April 24.—A decree of divorce was granted to Mrs. Kate Bailey from Joseph W. Bailey by Judge Howell today. Within four months' time the Bailey is required to pay over to his divorced wife \$250 and the costs of the action.

Tribune Want Ads.

Bell Main 5200. Ind. 360.

News of Ephraim.

Special to The Tribune.

EPHRAIM, April 24.—The following teachers have been selected to teach in the Mt. Pleasant district schools during the next school year: P. M. Nielson, district superintendent; A. T. Bend, principal of the high school; J. W. Anderson, M. R. Anderson, Mrs. Georgia Johnson, Miss Freda Moran; Andrea Johansen, Ida Larsen, Myrtle Kelsey, Lizzie Yergensen, Etta Rolph, Viola Whittaker, Ada Barton, Emma Lund and Florence Monson.

Amasa Aldrich landed in his resignation as a member of the school board. Bent R. Hanson was appointed to fill the unexpired term.

Rodney Farnsworth and Miss Belle Alger, two of the popular young people of Richfield, were united in marriage at the court house yesterday afternoon. A reception was given in their honor shortly after their marriage. Mr. and Mrs. Farnsworth will make their home in Richfield.

The funeral services over the remains of Mrs. Andrea Jensen were held at the tabernacle yesterday afternoon. A convention has been called for the mayors of all the towns throughout the county, to be held in this city May 1. They will try to establish a uniform platform and unite in establishing prohibition in this county.

Willard Brevities.

Special to The Tribune.

WILLARD, April 24.—The officers of the First National bank, with the railroad officials yesterday, for the purpose of selecting a place near the switch for building a platform for the fruit. They decided to build a platform 50x65 feet north of the depot. The work will be up in a day or two to set the stake for the building. They also promised to build a platform for unloading boats.

Miss Hattie Parsons, who was operated on about week ago for appendicitis, is reported as getting along all right and will be brought home today.

Elihu Pettingill, son of Mr. and Mrs. John Pettingill, is lying sick with pneumonia.

Mrs. Lucy Bateman, who has just come from Iowa, is quite sick at the home of Mr. and Mrs. Edwin Plordam. Her husband, Walter Bateman, is here with her and will remain in Ogden as soon as she is able to get around.

Mrs. Floyd Wells is recovering, after a few days' illness.

Mr. Omer Call is quite sick again. He had been out and around for about a week, but was taken sick again and is confined to his bed.

R. E. Davis has returned home from Promontory, where he has been for a few days looking after his ranch.

Charles Hansen of Salt Lake City is spending a few days here on business.

Mrs. Della Nuttle of Salt Lake City is visiting with her parents, Mr. and Mrs. William Nuttle.

Charles Stuart, who has been visiting with relatives and friends for the past few days, has returned to his work on the Lucin cutoff.

Royal C. Lowe, who is teaching school at Honeyville, is visiting with relatives and friends.

Joseph Ford, who has been in Centerville for the past eight weeks, has returned to Willard to spend a few days before going up into Cache valley.

Spanish Fork Notes.

Special to The Tribune.

SPANISH FORK, April 24.—Spanish Fork stores have decided to close every Friday afternoon at 6 o'clock, giving the clerk a half holiday.

B. S. Kershaw has been employed by the city to make the surveys for the cement paving. He is also making a new survey and plat of the city and setting the city in shape for the electric lights.

It is expected that contractors from many parts will be in the city next week looking into conditions preparatory to bidding on the pavement.

Claud Saxey, son of our G. A. R. Saxey, will leave next Monday to take a mail clerk position in Idaho.

Messrs. Bailey, Halverson and Roberts came down from the Packman camp last night to the book social at the Presbyterian church. The social was a great success. Over thirty books were sent in and a snug sum of money. Games, music and refreshments furnished an evening of enjoyment for the young people.

Miss Fern Packard of Springville spent the night with Margaret Lee.

## WILLIAM J. HARRIS DIES OF INJURIES

### Brother-in-Law of President Joseph F. Smith Meets With Fatal Accident.

Special to The Tribune.

PROVO, April 24.—William J. Harris, who was injured at 11 o'clock last night, through being run over by a team driven by hoodlums, died this morning at 3:30 o'clock, never having regained consciousness.

Mr. Harris was returning home from the opera house, accompanied by his son, and as he was crossing Center street on Third he was struck and run over by a two-horse vehicle which was racing with a one-horse buggy. There were four men in the carriage which ran over Mr. Harris, but they never stopped to investigate the injuries sustained by their victim.

Joseph A. Harris, son of the deceased, was walking ahead of his father, and did not know of the danger until too late to render assistance. W. F. Dunn, who saw the accident, and others, came to the assistance of the injured man, carried him to his home and summoned Dr. H. S. Payne, who rendered what aid he could. Mr. Dunn, who saw the accident, said he thinks he can identify the driver of the team, and the sheriff and marshal are investigating, and should the men be found guilty, they will be arrested and prosecuted.

Mr. Harris was born in Geneva, Morgan county, Illinois, October 25, 1836, and came to Utah with his mother, Mrs. Emily Harris, in 1847. He located in Salt Lake City, moved to Provo in 1868, and has since resided here.

His wife, who survives, is a sister of President Joseph F. Smith.

Eleven children and numerous grandchildren survive him. One son is in Texas, and another in Mexico, and funeral arrangements will not be made until these can be heard from.

Provo News Notes.

Special to The Tribune.

PROVO, April 24.—In the district court today a jury was empaneled to try the case of the state against Joseph Gun. Gun is charged with a statutory crime with Mrs. Jennie Shelton of Heber, a married woman.

Defendant and Mrs. Shelton came to Provo from Heber on November 15, 1908, and Mrs. Shelton, who is now in the hospital, was arrested by Sheriff George Lund, who is now in the hospital, and the evidence for the state was all in, Attorney Whitecotton, for the defense, moved that the jury be instructed to return a verdict of not guilty. After arguments of counsel, the court denied the motion, and the case was submitted to the jury. After being out about two hours the jury returned a verdict of guilty, but recommended mercy.

A divorce by default was granted today in the district court to Eva Searle from George Lund, who is now in the hospital, and the case was submitted to the jury. After being out about two hours the jury returned a verdict of guilty, but recommended mercy.

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Judge Booth also granted Irene Kinder Sommerville a divorce from John Sommerville on the grounds of habitual intoxication. Plaintiff was given the custody of a minor child. The parties were married at Europa June 7, 1906. The case was only filed April 23.

R. L. Andenberg and F. G. Richmond, both connected with the Provo Commercial and Savings bank, and A. F. Palm, for some time with W. H. Ray & Co., have formed a partnership and will open a brokerage office over Farrer Brothers' store. The firm will have a private wire to Salt Lake and will be associated with De Witt B. Lowe & Co. of Salt Lake.

Bingham Brevities.

Special to The Tribune.

BINGHAM, April 24.—The Ladies of Maccabees will give a May day dance next Friday night.

Mr. and Mrs. Joe Russell, old residents of camp and owners of the Russell house on Main street, have sold out and moved to Twin Falls, Ida.

The Fraternal Brotherhood lodge initiated eight new members this week. They will give their first dance May 17.

Mr. and Mrs. Fred Evans of Upper Bingham moved to Richmond, Utah, this week.

Mr. and Mrs. Eugene Berling expect to move to Salt Lake soon.

A cave-in occurred at the Utah Copper mine this morning about 6 o'clock on the C extension. Seven men were imprisoned in what is known as a gopher hole, but as the mine is thoroughly ventilated, no one was seriously injured.

Two Italian miners were slightly hurt by falling rock and dirt. As several tons of ore caved down a steam shovel was used to extricate the men. One of the men was killed and the other was injured.

Bingham was having fine weather and dry roads up to Friday night, when camp was visited by rain and snow, making traffic difficult.

Twice during the week the train for Salt Lake was delayed on account of ore cars leaving the track at Copper town. On one occasion Binghamites were compelled to go to Copper town, a distance of a mile and a quarter, to take the train for the Capital city.

Good progress is being made on the new Utah copper track above Upper Bingham. The grading is completed to the commercial mine, and the frame work is up on the eighty-five-foot trestle at the United States mine sawmill station.

New Office Filled.

Special to The Tribune.

BOISE, Ida., April 24.—Another office created by the last session of the legislature, that of chief clerk to the governor, has just been filled. K. H. Dixon, city editor of the Daily Statesman, was the lucky man, notwithstanding the fact that he had been a resident of Idaho only about six months.

Tribune Want Ads.

Bell Main 5200. Ind. 360.

Additional Intermountain News on Page Twenty-One.

## MURRAY NEWS NOTES

Special to The Tribune.

MURRAY, April 24.—Funeral services over Ernest Ferlach, the well-known citizen of Murray, who died at the St. Mark's hospital Thursday of pneumonia, will be held Sunday from the First ward meeting house. Mr. Ferlach was born in Germany about thirty-two years ago, and has spent some time here in Murray, during which he made a large circle of friends. He left a wife, who is comparatively young, and a family consisting of four small children, the eldest being 7 years old. Beside his family here, Mr. Ferlach had a sister in Wisconsin and a brother in Illinois, both of whom have been notified of the death of their brother, and will no doubt reach Murray in time for the funeral. The body is now at the undertaking parlors of C. H. Banks, where it is being prepared for burial.

Services will be held at the First ward meeting house Sunday over the remains of L. S. Erickson, the father of Bishop E. Erickson of the Second ward of this place. Mr. Erickson succumbed Wednesday to old age, being 80 years old. He had made his home with his son during the past few years. Burial will take place in the Mill Creek cemetery.

The Murray Sheep company has filed articles of incorporation. The firm is organized at Murray and will carry on a general sheep and livestock business, with a capital of \$50,000, divided into 500 shares of \$100 each. The officers of the new company are: R. H. Winder, president and manager; J. C. Cahoon, secretary; B. S. Stewart, treasurer. The officers of the directors are as follows: Appointments have been made for deputy horticultural inspectors in Salt Lake county by the county commissioners. Thomas Walke of Union, Joseph M. Smith of Draper and Charles M. Nokes of Riverton, who will be Sorenson and I. O. Smith, both of East Mill Creek, will continue in office.

The body of George Sherin was interred at the East Jordan cemetery today. Mr. Sherin died at his home in East Jordan, Wednesday, of dropsy. Services were held at the ward meeting house, and the services were presided over by Mr. Price, the bishop of the ward. For the occasion a choir was furnished by the ward choir. Mr. Sherin left one daughter and two sons, his wife having died three years ago.

Young Man Has Narrow Escape From Death.

Special to The Tribune.

MURRAY, April 24.—A young man, whose name is Ross Spencer, narrowly escaped death here this morning in an exciting runaway, which took place on the main street. Mr. Spencer was driving into Murray in his buggy and was near the Gordon terrace, when his horse became frightened at a passing team, which was drawing the dead body of a steer, and dashed into the street, striking Young Spencer was unable to check the horse, and when near the concrete bridge which spans Big Cottonwood creek, the animal swerved to one side, overturning the buggy and throwing the young man with a great deal of force against the concrete parapet of the bridge. The horse continued down the street, dragging the almost demolished vehicle with it. The animal was stopped about two blocks farther by a passerby.

The young man when picked up was unconscious and blood was flowing freely from a jagged cut in his head, while his face was badly lacerated. A physician called and attended him for minutes before he regained consciousness. Upon examination it was found that no bones were broken, but the young man was weak from loss of blood. He was taken to the hospital, where his wounds were dressed.

Brigham City Notes.

Special to The Tribune.

BIRGHAM CITY, April 24.—The past week has been one of the busiest in the history of the city for the stock. Babies have been born to the following: Twelve in all: To the wife of Edwin L. Peterson, a boy; to the wife of Leonard J. Ison, a girl; to the wife of E. J. Larson, a girl; to the wife of David Larson, a girl; to the wife of David Larson, a girl; to the wife of Hans Peterson, a girl; to the wife of James Carlson, a boy; to the wife of Bishop George W. Watkins, a boy; to the wife of J. J. Larson, a girl; to the wife of Alfred Ewatt, a boy; to the wife of Joseph Somerville, a boy; to the wife of Floyd Wells, a boy.

Another big week in real estate transfers has ended. Following is a partial list of transfers:

Louis Poulsen and wife to P. M. Poulsen, part of sections 15 and 17, township 11, range 2, \$1,000. Rasmus Hansen and wife to B. E. Jensen, part of section 18, township 11, range 2, \$1,000. The Church of Jesus Christ of Latter-day Saints, part of lots 6 and 11, plat A, Bear River city, \$1,000.

W. O. Knudson and wife to James Knudson, part of lot 9, plat A, Brigham city, \$1,000. Peter Nelson and wife to Denmark Jensen, part of lot 2, block